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shall descend or be distributed as if the person so convicted were dead. The statute is attacked as unconstitutional in a case wherein a wife has been convicted of manslaughter for killing her husband. *Held*, that the statute is constitutional. *Hamblin v. Marchant*, 180 Pac. 811 (Kan.).

Prior to this statute Kansas allowed the criminal to profit by his own crime by taking the inheritance. *McAllister v. Fair*, 72 Kan. 533, 84 Pac. 112. This result the statute here aimed to preclude. The statutory disqualification might conceivably attach either upon conviction or at the instant of killing. The legislature has no power to interfere with dower which has become vested. *Bottomf v. Lewis*, 121 Iowa, 27, 95 N. W. 262. Consequently, to say that the disqualification it created takes effect only upon conviction and, therefore, following the vesting of the estate, would nullify the statute. Further, the statute has expressly directed descent to others than the guilty person. The alternative construction — that the disqualification attaches at the moment of killing — makes the very act which would cause the dower to become vested in the actor work as a bar to its vesting. Acquittal is thus a condition subsequent to the disqualification and conviction a condition precedent to the successful assertion of rights by others who claim under the statute. By this construction, which was the one taken in the principal case, the sole interest affected by the statute is that represented by the wife's statutory dower before her husband's death. This interest is not vested and may be altered at will by the legislature. *Griswold v. McGee*, 102 Minn. 114, 112 N. W. 1020, and 113 N. W. 382. See *Randall v. Kreiger*, 90 U. S. (23 Wall.) 137, 148. Analogous reasoning has been employed to reach at common law the object aimed at by the Kansas statute. *Perry v. Strawbridge*, 209 Mo. 621, 108 S. W. 641; *Box v. Lanier*, 112 Tenn. 393, 79 S. W. 1042.

EMINENT DOMAIN—WHEN IS PROPERTY TAKEN?—STREET CONSTRUCTION AND RE-GRADING. — Part of a vacant tract was taken for a street, and the owner claimed compensation for damages to the remainder caused by the use to which the city intended to put the land taken, viz., a public street at a level several feet below the natural level of his land. *Held*, that this is not a proper element of damages. *In re Skillman Ave. in City of New York*, 177 N. Y. Supp. 767.

Part of a tract was taken, and the new street was to be constructed from twenty-one to twenty-five feet above the natural level of the land. The owner claimed that compensation should be made for the resulting depreciation in value of the remainder. *Held*, that this is a proper element of damage. *In re Putnam Ave. West in City of New York*, 177 N. Y. Supp. 768.

For a discussion of these cases, see NOTES, p. 451, *supra*.

EQUITABLE LIENS — EFFECT OF PROMISE THAT BONDHOLDERS SHALL SHARE IN SECURITY OF FUTURE MORTGAGES. — The plaintiff corporation issued bonds in which it promised that, if it thereafter mortgaged any of the property owned by it at the date of issue, the bondholders should share equally with the future mortgages in the security. The lower court sent up these questions: (1) Did the bonds create an equitable lien on the corporation property at the date of issue? (2) Could the corporation effect a mortgage which would exclude the bondholders from sharing in the security? *Held*, that the first question be answered in the affirmative, the second in the negative. *Connecticut Co. v. New York, N. H. & H. R. R. Co.*, 107 Atl. 646 (Conn.).

For a discussion of the principles involved in this case, see NOTES, p. 456, *supra*.

EQUITY — BILLS OF PEACE — BILL TO ENJOIN NUMEROUS SUITS IN A JUSTICE'S COURT AND TRY AS ONE IN EQUITY. — The defendant, assignee of 648 claims against the plaintiff for excess freight charges, brought that many